

May 25 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0179

FILED

MAY 25 2010

STATE OF MONTANA,

Plaintiff and Appellee,

v.

STANLEY D. DETHMAN,

Defendant and Appellant.

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORDER

On May 14, 2010, the Office of Appellate Defender (OAD) filed with this Court a document entitled "Limited Notice of Appearance and Request for Clarification." OAD notes in its pleading that we granted the Defendant Stanley D. Dethman's petition for an out-of-time appeal on April 27, 2010, and that his counsel at the time, Kevin Vainio, filed a notice of appeal on Dethman's behalf on April 29, 2010. In our Order granting his motion for out-of-time appeal, we directed the Defendant to proceed under the Montana Rules of Appellate Procedure with respect to the filing of the record and briefs on appeal, as soon as he filed his notice of appeal. OAD notes that while Dethman secured counsel for the purpose of filing a petition for an out-of-time appeal, he is presumably indigent and would qualify for OAD services on appeal. OAD seeks clarification on whether to proceed to determine Dethman's indigency status and possible representation, in light of our direction to proceed with the appeal immediately upon the filing of the notice of appeal.

Good cause appearing and for purposes of clarification,

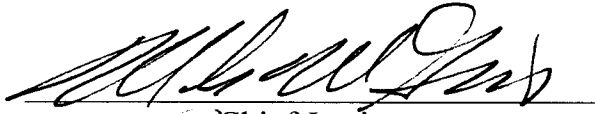
IT IS HEREBY ORDERED that our previous direction regarding the commencement of the time lines under the Montana Rules of Appellate Procedure is VACATED.

IT IS FURTHER ORDERED that OAD shall immediately proceed to determine Dethman's indigency status, and if he qualifies for appointment of counsel, to appear on Dethman's behalf and proceed to undertake his representation. If OAD determines it will not represent Dethman, it shall advise this Court immediately.

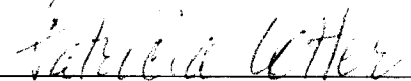
IT IS FURTHER ORDERED that once the Court is advised of Dethman's representation status by OAD, we will enter a subsequent order directing the commencement of the time frames set forth in the Montana Rules of Appellate Procedure with respect to the filing of the record and briefs on appeal.

The Clerk of this Court is directed to serve a copy of this Order on all counsel of record, upon OAD, and upon Dethman personally at his last known address.

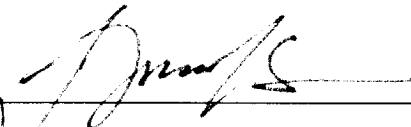
DATED this 25 day of May, 2010.



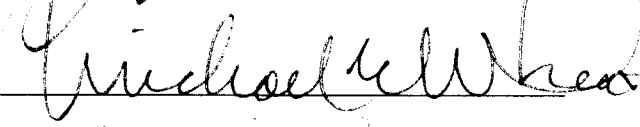
Chief Justice



Patricia Utter



Justice



Michael W. Wren



Justices